

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

March 21, 2006

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), Karen Umberger, Dave Weathers, Gary Webster, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Martin led the Board in the Pledge of Allegiance to the Flag.

SIGNING OF DOCUMENTS

The Board reviewed and signed documents in the signature folder.

CONSIDERATION OF BILLS

The Board reviewed and approved the manifest dated March 2, 2006.

CONSIDERATION OF MINUTES

Ms. Umberger moved, seconded by Mr. Webster, to approve the minutes of 1/31/06 regular and non public as written. The motion carried 5-0-0.

CONSIDERATION OF NORTH-SOUTH ROAD
IMPROVEMENTS AGREEMENT

Town Attorney, Peter Malia, Town Engineer, Paul DegliAngeli, and Rock Development Representatives, Rob Barsamian and Roger Williams, were present for discussion.

Mr. DegliAngeli reviewed that Mr. Barsamian is here today to propose an alternative plan for the road improvements that were presented before (including only one roundabout at this time instead of the proposed two roundabouts) until other development occurs and to provide a bond in case they do not function properly to cause all parts to be built as was agreed. However, if functioning properly, then the other roundabout could be built when the other developer is ready.

Mr. Barsamian explained the reason for this was due to the fact that both projects (Home Depot and Lowe's) are moving at different paces and other factors surrounding the development, they don't want to be marred by one contract. He is making this proposal in the alternative.

Attorney Malia suggested if this is something the Board is going to consider an agreement will need to be redrafted and brought back before the Board. Mr. Webster reminded everyone that these are development projects and the Town should bear no expense.

There was next further review and discussion of the proposal by Mr. Barsamian. Mr. Webster suggested that Mr. Barsamian bring something back to the Board with the proposed road improvements drawn to scale for review. Mr. Barsamian agreed.

The Board agreed to take the presentation under advisement and re-agenda same.

REVIEW AND CONSIDERATION OF FORCE
ACCOUNT AGREEMENT/TOC AND NHDOT

Mr. Sires reviewed that there have been several versions of the Force Account Agreement before the Board for review. Revisions have been made and it is again before the Board for consideration. Mr. Sires further reviewed that this Agreement concerns the projects and improvements that will occur in North Conway this summer and sets up funding. Mr. Sires next reviewed the Agreement with the Board. **Mr. Hounsell moved, seconded by Mr. Hounsell that we enter into this Agreement with the NHDOT and authorize the Town Manager, Earl Sires, to sign. The motion carried 5-0-0.**

REQUEST FOR EASEMENT – PROPOSED PEAKED MOUNTAIN PUD
SUBDIVISION OF MEADOW GREEN REALTY TRUST II LAND
OFF THOMPSON ROAD

Doug Burnell of HEB Engineers joined the meeting. Public Works Director, Paul DegliAngeli, Planning Director, Tom Irving, and Conservation Commission Chairperson, Paul Pinkham, were also present for discussion.

The Board reviewed information provided by Mr. Burnell regarding a request for an easement in the area of the proposed Peaked Mountain PUD Subdivision of Meadow Green Realty Trust II-Land off Thompson Road. (A copy of Mr. Burnell's cover letter is attached hereto). Mr. Burnell gave an overview of the information and maps he provided to the Board.

Mr. Sires further explained there was an easement granted but never identified on the ground. The developer would like to solidify the location of the easement over the subject property.

After a discussion, **Mr. Hounsell moved, seconded by Mr. Weathers, that we grant the easement request.** Ms. Umberger stated she would like to see how this would be worded on a document first and that the town has access before voting on any motion other than conditionally agreeing to same. A vote was taken and the **motion carried 4-1-0** with Ms. Umberger voting in the negative.

Mr. Burnell next briefly discussed another issue with the Board. Mr. Burnell stated he was looking for acceptance of the concept of access off of the Bypass. There was no action taken on this subject. It was agreed that Mr. Burnell would bring this matter back to the Board for further discussion in the future.

SHEDD WOODS RESTORATION

Conservation Commission Chairman, Paul Pinkham, distributed photographs of Shedd Woods in its present condition to the Board for review. Mr. Pinkham also

provided a memo to the Board regarding Shedd Woods and a copy of same is attached hereto. Mr. Pinkham requested the Board ask the State to repair what they have done to Shedd Woods. Mr. Sires advised that he had communication with Don Lyford of the NHDOT who indicated that the State already compensated the Town \$37,000 for the land that was taken from Shedd Woods. Mr. Sires suggested talking further with the State about the situation. Mr. Weathers pointed out that it had been asked previously at a CDRC meeting what restoration plan was planned for Shedd Woods and they had no plan. Mr. Weathers stated a plan is needed to bring this area back to the way it was before the NHDOT started work in the area.

Mr. Sires suggested preparing a letter to the State stating that we understand the project is not done but we need to know if there is a restoration plan planned. Mr. Hounsell suggested that Mr. Pinkham's memo and photo's be sent along with the letter to the State.

A citizen, Ray Leavitt, commented that he recalled when he was on the Board of Selectmen that Shedd Woods was a sensitive area and this was made known and suggested looking back in the records.

Chairman Martin polled the Board and it was agreed by all to send the letter to the NHDOT and to send the memo of Paul Pinkham and photos along with the letter.

DISCUSSION OF EMERGENCY MANAGEMENT DIRECTOR POSITION

Mr. Sires reported that Chief Larry Wade has resigned as the Town's Emergency Management Director and until someone is reappointed to the position, the Chair of the Board of Selectmen acts in his stead, along with Town staff for support.

The Board held a brief discussion regarding the position of Emergency Management Director. Suggestions were made to talk with Chief Wade, Police, Fire, and other emergency services personnel to see what they have to say about this position and if they feel it requires a half or quarter time person for the job. Also, it was suggested a job description should be provided for this position and that we need to find out from the State what the requirements are for the position. There was also brief discussion as to needing to decide whether the full Board would be looking at this collectively or whether a subcommittee should be formed. It was agreed that this would be brought back for further discussion.

Ms. Umberger next suggested a letter be sent to Chief Wade thanking him for his service as Emergency Management Director and the Board agreed.

Ray Leavitt stated that Chief Wade did a good job with time he had for the position but he thinks this is almost a full time job for someone.

Ray Leavitt next asked where the figures came from regarding the ambulance article presented by Mark Hounsell at the Town Deliberative meeting. Mr. Hounsell advised that the information presented came out of the town's files.

Ray Leavitt next commented on comments made at the Deliberative Town Meeting regarding Mr. Weathers voting on ambulance contracts, etc. Mr. Hounsell clarified his comments as were made at Town Meeting regarding this subject.

Ms. Umberger referred back to the subject at hand and questioned when we would get information from the State. It was agreed that this matter would be put on a future agenda for consideration. Mr. Sires advised he would invite someone in to give a briefing and advise.

DISCUSSION REGARDING WORKERS' COMPENSATION/ ALTERNATIVE WORK OPPORTUNITIES

Mr. Sires reviewed information concerning Workers' Compensation/Alternative Work Opportunities with the Board and requested same be adopted. Mr. Sires advised this complies with state law.

There was brief discussion by the Board. The Board questioned if this applies to non union as well as union employees and police. The Board requested Mr. Sires check on this before they approve and advise. It was agreed this will be brought back on a future agenda for consideration.

TOWN MANAGER REPORT

Town report – Mr. Sires reported the proof of the Town Report has been received from the printer. Delivery of the final reports is expected on or about April 3, 2006.

Recreation Funding – Mr. Sires distributed an excerpt of the portion of the Town of Eaton's Town Meeting minutes concerning recreation funding to the Board. Mr. Sires reviewed that Eaton declined to fund recreation at their Town Meeting. Mr. Sires further advised there has been no contact from the Town of Eaton directly to his office. Mr. Sires next advised that he is making the Board aware of this because Eaton children may sign up for programs at Conway Recreation and due to the vote at the Eaton Town meeting they will not be able to participate. There was discussion by the Board and it was agreed that, should it be necessary, Recreation Director Mr. Eastman, has copies of the Eaton Town Meeting minutes and could distribute them to anyone from Eaton who tries to sign up for programs and refer them back to the Eaton Town Office.

BOARD REPORTS AND COMMENTS

Emergency Services Warrant Article – Mr. Webster commented on the Emergency Services Warrant Article advising that he made a suggestion last week that Attorney Malia meet with Board so we could let people know what could happen by either outcome of the vote on April 11. Mr. Webster further commented that he had asked for this matter to be placed on the agenda this week and it was not and reminded this Board that when he was Chair if members made suggestions for items they felt were important enough for the agenda he put them on. **Mr. Webster moved, seconded by Mr. Martin, that the Conway Board of Selectmen request the following in writing from Town Counsel: 1) Intent of the Ambulance Service Warrant Article as amended at the Deliberative Meeting; 2) Legal Opinion of Article to determine if it is binding or advisory; 3) If determined to be binding, what are the Boards options if Article fails? Further to make those written responses available to the Public and Media. The motion carried 3-2-0 with Ms. Umberger and Messrs. Webster and Weathers voting in the positive and Messrs. Martin and Hounsell voting in the negative.**

School Building Committee – Ms. Umberger reported the School Building Committee met recently and they reviewed a preliminary draft for the Jr. High School.

PUBLIC COMMENTS / MEDIA QUESTIONS

Patricia Swett commented that she was confused regarding the emergency services article. Ms. Swett further commented that at the Deliberative Portion of Town Meeting she made a motion to continue emergency services as presently are being done for three years but the motion failed and then Mike DiGregorio made the same motion for one year and the motion passed. Ms. Swett commented that her intent with the motion was that everything continue as is.

Patricia Libby commented that she does not understand what a yes or no vote would mean with regard to the ambulance contract article but now with Gary Webster's motion maybe she will get an answer.

ADJOURN

Mr. Weathers moved, seconded by Mr. Hounsell, to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary